

## **DRAFT DECISION NOTICE AND FINDING OF NO SIGNIFICANT IMPACT**

### **MCCONNELL & APPLE CONNECTIVITY PROJECT**

#### **U.S. FOREST SERVICE**

#### **PLEASANT HILL RANGER DISTRICT**

#### **JOHNSON COUNTY, ARKANSAS**

### **DECISION**

Based upon my review of the McConnell & Apple Connectivity Project Environmental Assessment (EA), I have decided to implement the Proposed Action, which includes changing the status level of some roads for motorized use within the McConnell & Apple Project area. The attached map illustrates the road designations that have been identified to change status levels.

**NOTE:** After an engineer analysis was completed, it was determined that sections of FS1430 are grown up with vegetation and have severe erosion, making this route impassable to motorized use. Therefore, this route will not be changed from its current status level. This will reduce the number of miles proposed to be opened to “All Motorized Vehicles” by approximately 1.4 miles.

### **DECISION RATIONALE**

The purpose of this project is to provide a more sustainable and better-connected system of roads in the area around McConnell and Apple Roads. The goals for this project are to promote better opportunities for off-highway vehicle (OHV) enthusiasts to have an integrated system of designated roads available to them, manage more efficiently, and encourage public safety. This action responds to the goals and objectives outlined in the Forest Plan and helps move the project area toward desired conditions described in the 2005 Revised Land and Resource Management Plan (RLRMP) for the Ozark-St. Francis National Forests.

No significant issues arose during the scoping process so it was decided by the Interdisciplinary Team (IDT) that only the No Action and Proposed Action alternatives would be required for this project.

Factors that were considered in making this decision included not only ensuring public safety was achieved but also responding to the public and promoting opportunities for OHV enthusiasts to have an integrated system of designated roads. This decision ensures that OHV users can legally travel on a better network of routes within the project area.

The McConnell & Apple Connectivity EA documents the environmental analysis and conclusions upon which this decision is based.

## **PUBLIC INVOLVEMENT**

This action was originally listed as a proposal on the Ozark-St. Francis National Forest Schedule of Proposed Actions and updated periodically during the analysis. Landowners within the project area and on the interested citizens list on file for the Pleasant Hill Ranger District were invited to review and comment on the proposal through public mailing of the scoping letter, the *Johnson County Graphic* (newspaper of record), and the Ozark-St. Francis Forest website. In addition, we met with interested public and county government officials regarding the roads in this project area.

## **FINDINGS REQUIRED BY OTHER LAWS AND REGULATIONS**

This decision is consistent with the objectives of the 2005 Revised Land and Resource Management Plan (RLRMP) for the Ozark-St. Francis National Forests, as required by the National Forest Management Act.

A Finding of No Significant Impact (FONSI) and EA were considered. I determined these actions will not have a significant effect on the quality of the human environment, and an Environmental Impact Statement (EIS) will not be prepared.

I have determined there will be no adverse effects to Threatened and Endangered Species or their Critical Habitat, Floodplains, Wetlands or Municipal Watersheds, Congressionally Designated Areas, Native American Religious or Cultural Sites, Archaeological Sites or Historic Properties or Areas.

## **FINDING OF NO SIGNIFICANT IMPACT**

The significance of environmental impacts must be considered in terms of context and intensity. This means that the significance of an action must be analyzed in several contexts such as society as a whole (human and national), the affected region, the affected interests and the locality. Significance varies with the setting of the Proposed Action. In the case of a site-specific action, significance usually depends upon the effects in the locale rather than in the world as a whole. Intensity refers to the severity or degree of impact. (40 CFR 1508.27)

## **CONTEXT**

The roads included in this decision are situated within the Boston Mountain eco-region located in the central part of the Ozark Nation Forest. These roads have been heavily used by all motorized vehicles for many years. It is not anticipated that there will be any negative effects upon the quality of the human environment.

Changes in road designation would have positive effects to the human environment by authorizing some roads within the project area open to OHV use, and other roads will be closed to OHVs to minimize resource damage and maintenance costs. This helps provide a legal means for the public to participate in OHV use as a form of recreation on public lands, within a designated area compatible with other resource uses and values.

## INTENSITY

The intensity of effects was considered in terms of the following:

1. **Impacts may be both beneficial and adverse. A significant effect may exist even if the Federal agency believes that, on balance, the effect will be beneficial.**  
Consideration of the intensity of environmental effects is not biased by beneficial effects of the action.
1. **The degree to which the proposed action affects public health or safety.** No negative effects on public health and safety are anticipated because the action includes only administrative changes to some road designations. Furthermore, a qualified engineer has conducted an engineering analysis recommending appropriate mitigation measures to ensure public safety with mixed motorized use.
2. **Unique characteristics of the geographic area, such as proximity to historic or cultural resources, park lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas.** There will be no significant effects on unique characteristics of the area because the roads included in this project are existing and no new roadwork, other than occasional maintenance, is required.
3. **The degree to which the effects on the quality of the human environment are likely to be highly controversial.** The effects on the quality of the human environment are not likely to be highly controversial.
4. **The degree to which the possible effects on the human environment are highly uncertain or involve unique or unknown risks.** The Agency has considerable experience with actions like the one proposed. The analysis shows the effects are not uncertain, and do not involve unique or unknown risk.
5. **The degree to which the action may establish a precedent for future actions with significant effects or represents a decision in principle about a future consideration.** This is the first project initiated by the district to begin taking a hard look at routes across the entire district. Future management plans include selection of another project area based on current road connectivity and geographic boundaries.
6. **Whether the action is related to other actions with individually insignificant but cumulatively significant impacts.** The cumulative impacts are not significant as this is only an administrative change to roads that already exist and are currently being used by all types of motorized vehicles.
7. **The degree to which the action may adversely affect districts, sites, highways, structures, or objects listed, or eligible for listing, in the National Register of Historic Places or may cause loss or destruction of significant scientific, cultural, or historical resources.** The action will have no significant adverse effect on districts, sites, highways, structures, or objects listed in or eligible for listing in the National Register of Historic Places, because the actions include roads that are already existing and are currently being used. No new roadwork is required for this action. The action will also not cause loss or destruction of significant scientific, cultural, or historical resources because no new activities will occur.

8. **The degree to which the action may adversely affect an endangered or threatened species or its habitat that has been determined to be critical under the Endangered Species Act of 1973.** The action will not adversely affect any endangered or threatened species or its habitat that has been determined to be critical under the Endangered Species Act of 1973, because these actions do not involve removal or disturbance of vegetation and only designate legality of classes of vehicle use on existing routes, therefore, there would be no effects to TES species.
9. **Whether the action threatens to violate Federal, State, or local law or requirements imposed for the protection of the environment.** The action will not violate Federal, State, and local laws or requirements for the protection of the environment. Applicable laws and regulations were considered in the EA. The action is consistent with the Ozark-St. Francis National Forests Revised Land and Resource Management Plan.

After considering the effects of the actions analyzed, in terms of context and intensity, I have determined that these actions will not have a significant effect on the quality of the human environment. Therefore, an environmental impact statement will not be prepared.

## OBJECTION OPPORTUNITIES

This decision is subject to objection pursuant to 36 CFR 218.8. Objections must meet requirements stated in 36 CFR 218.8(d) in order to be considered [http://www.ecfr.gov/cgi-bin/text-idx?rgn=div5&node=36:2.0.1.1.8#se36.2.218\\_18](http://www.ecfr.gov/cgi-bin/text-idx?rgn=div5&node=36:2.0.1.1.8#se36.2.218_18). A written Notice of Objection must be postmarked or received within 45 days after the date the legal notice of decision is published in the *Johnson County Graphic* (the Pleasant Hill Ranger District's paper of record).

The objection must be filed with Ozark-St. Francis National Forests, ATTN: Objections Reviewing Officer, 605 West Main, Russellville, AR 72801, 36 CFR 218.3(a). Objections may be faxed to (479) 964-7518. Hand-delivered objections must be delivered to the Ozark St.-Francis Supervisor's Office in Russellville within normal business hours of 8:00 a.m. to 4:30 p.m. Objections may also be mailed electronically in a common digital format to: [ozarkobjection@usda.gov](mailto:ozarkobjection@usda.gov). Objections will **not** be accepted at the District Offices or by the Responsible Official.

### Who may file an objection?

36 CFR 218.5 (a) Individuals and entities as defined in §218.2 who have submitted timely, specific written comments regarding a proposed project or activity that is subject to these regulations during any designated opportunity for public comment may file an objection. Opportunity for public comment on an EA includes during scoping or any other instance where the responsible official seeks written comments.

### Filing an objection

36 CFR 218.8 (a) Objections must be filed with the reviewing officer in writing. All objections are available for public inspection during and after the objection process.

(b) Incorporation of documents by reference is not allowed, except for the following list of items that may be referenced by including date, page, and section of the cited document, along with a

description of its content and applicability to the objection. All other documents must be included with the objection.

- 1) All or any part of a Federal law or regulation.
- 2) Forest Service directives and land management plans.
- 3) Documents referenced by the Forest Service in the proposed project EA or EIS that is subject to objection.
- 4) Comments previously provided to the Forest Service by the objector during public involvement opportunities for the proposed project where written comments were requested by the responsible official.

(c) Issues raised in objections must be based on previously submitted specific written comments regarding the proposed project or activity and attributed to the objector, unless the issue is based on new information that arose after the opportunities for comment. The burden is on the objector to demonstrate compliance with this requirement for objection issues (see paragraph (d) (6) of this section).

(d) At a minimum, an objection must include the following:

- 1) Objector's name and address as defined in §218.2, with a telephone number, if available;
- 2) Signature or other verification of authorship upon request (a scanned signature for electronic mail may be filed with the objection);
- 3) When multiple names are listed on an objection, identification of the lead objector as defined in §218.2. Verification of the identity of the lead objector must be provided upon request or the reviewing officer will designate a lead objector as provided in §218.5(d);
- 4) The name of the proposed project, the name and title of the responsible official, and the name(s) of the national forest(s) and/or ranger district(s) on which the proposed project will be implemented;
- 5) A description of those aspects of the proposed project addressed by the objection, including specific issues related to the proposed project; if applicable, how the objector believes the environmental analysis or draft decision specifically violates law, regulation, or policy; suggested remedies that would resolve the objection; supporting reasons for the reviewing officer to consider; and
- 6) A statement that demonstrates the connection between prior specific written comments on the particular proposed project or activity and the content of the objection, unless the objection concerns an issue that arose after the designated opportunity(ies) for comment (see paragraph (c) of this section).

### IMPLEMENTATION DATE

Timing of project decision 36 CFR 218.129 (c): When no objection is filed within the objection filing period (see §§218.26 and 218.32):

- 1) The reviewing officer must notify the responsible official.
- 2) Approval of the proposed project or activity documented in a ROD in accordance with 40 CFR 1506.10, or in a DN may occur on, but not before, the fifth business day following the end of the objection filing period.

This decision may be implemented any time after the date of signature by the Pleasant Hill District Ranger.

### CONTACT

For additional information concerning this decision, contact: Matt Pfeifler of the Pleasant Hill Ranger District at (479) 754-2864 or email: [matthew.t.pfeifler@usda.gov](mailto:matthew.t.pfeifler@usda.gov).

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JASON A. ENGLE

Date

DISTRICT RANGER

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